

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

DIANNA BURKINDINE

Plaintiff,

V.

CIVIL ACTION NO

I.C. SYSTEM, INC.

Defendant.

MAY 5, 2008

COMPLAINT

1. Plaintiff seeks relief pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692; Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act. § 14-204 et seq. ('MCDCA'); and the Md. Ann. Code Commercial Law Consumer Practices Act § 13-301 et seq.
2. The Court's jurisdiction is conferred by 15 U.S.C. 1692k and 28 U.S.C. 1331 and 1367.
3. Plaintiff is a natural person who resides in Churchville, MD.
4. Plaintiff is a consumer within the FDCPA.
5. Defendant is a debt collector within the FDCPA.
6. Defendant is a collector within the MCDCA.
7. Defendant communicated with plaintiff or others on or after one year before the date of this action, in connection with collection efforts with regard to plaintiff's disputed personal debt.

8. The plaintiff contacted the defendant via telephone in an attempt to dispute a debt alleged by Defendant to be owed by plaintiff.

9. The defendant advised plaintiff that she had no right to dispute the alleged debt owed. This statement is false misleading and deceptive in violation of §1692e and §1692g.

10. Defendant with knowledge that plaintiff was represented by an attorney communicated with the plaintiff in an attempt to collect a debt.

11. Plaintiff's counsel mailed a letter to defendant February 15, 2008 advising the defendant that plaintiff retained counsel.

12. Plaintiff's counsel faxed this same letter to the defendant, in the morning of February 18, 2008.

13. Defendant mailed a letter to the represented plaintiff February 18, 2008 and requested information regarding the attorney's name and address, with a demand for full payment, in violation of §1692(c).

14. In the collection efforts, the defendant violated the FDCPA; inter alia, section 1692c, e and g.

SECOND COUNT

15. The allegations of the First Count are repeated and realleged as if fully set forth herein.

16. Within three years prior to the date of this action Defendant has engaged in acts and practices as to plaintiff in violation of the Md. Ann. Code Commercial Law Maryland Consumer Debt Collection Act§ 14-204 et seq. ("MCDCA").

17. Defendant has committed unfair or deceptive acts or practices within the meaning of the Md. Ann. Code Commercial Law Consumer Practices Act§ 13-301 et seq.

WHEREFORE plaintiff respectfully requests this Court to:

1. Award plaintiff such damages as are permitted by law both compensatory and punitive, including \$1,000 statutory damages against the defendant;
2. Award the plaintiff costs of suit and a reasonable attorney's fee;
3. Award such other and further relief as this Court may see fit.

THE PLAINTIFF

BY/S/Bernard T. Kennedy

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